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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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7 Assignee & Creditor in Pro Se

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9 **UNITED STATES BANKRUPTCY COURT**
10 **DISTRICT OF EASTERN CALIFORNIA**

11 In re:

12
13 KATHLEEN RUDELL
14 GREGORY RUDELL

15 Debtors,

Chapter 7 Proceeding

Case No.: 09-46687

(Jointly Administered)

16 **AFFIDAVIT OF DARYL HANSEN,**
17 **ASSIGNEE, IN SUPPORT OF THIRD**
18 **PARTY RULE 2004 EXAMINATION**

19 This filing applies to:

20 ☒ All Debtors
21 ☐ Specified Debtors

(CSD 3060; CCP §708.120; §708.130(a))

22 I, the undersigned, declare:

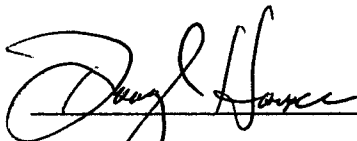
- 23 1. I am the assignee of record for a judgment against above named Debtors. Total amount of
24 this judgment is approximately \$113,000. I am over 18 years of age. I have personal
25 knowledge of the facts herein, except as to those facts stated to be known upon information
26 and belief, and as to those facts, I believe them to be true. If called upon to testify, I could
27 and would competently testify thereto.
28 2. Examinee Alta Funding, Inc is the landlord for debtors Gregory and Kathleen Ruddell.
3. Based on information provided by public records and credit reports, I am informed and

DECLARATION IN SUPPORT OF THIRD PARTY 2004 EXAMINATION

1 believe that Third Party Examinee has approved the lease application for Gregory and
2 Kathleen Ruddell and I believe from our conversations by telephone with Sandra Castro,
3 President of Alta Funding, Inc, that Alta Funding, Inc. has possession of a credit
4 application and lease agreement signed by the Debtors indicating that Third Party
5 Examinee has knowledge of the financial affairs of the Debtors and may be called for a 3rd
6 Party 2004 Examination.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct.
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11 DATED: January 12, 2010


Daryl Hansen dba Apex Star Financial

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17 **POINTS AND AUTHORITIES**
18 **IN SUPPORT OF ISSUANCE OF APPLICATION AND ORDER FOR**
19 **APPEARANCE AND EXAMINATION OF THIRD PERSON**

20 §708.120. (a) Upon ex parte application by a judgment creditor who has a money judgment and proof
21 by the judgment creditor by affidavit or otherwise to the satisfaction of the proper court that a third person
22 has possession or control of property in which the judgment debtor has an interest or is indebted to the
23 judgment debtor in an amount exceeding two hundred fifty dollars (\$250), the court shall make an order
24 directing the third person to appear before the court, or before a referee appointed by the court, at a time
and place specified in the order, to answer concerning such property or debt. The affidavit in support of the
judgment creditor's application may be based on the affiant's information and belief.

25 708.160. (a) Except as otherwise provided in this section, the proper court for examination of a person
26 under this article is the court in which the money judgment is entered.

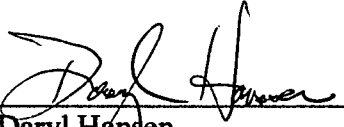
27 (b) A person sought to be examined may not be required to attend an examination before a court
28 located outside the county in which the person resides or has a place of business unless the distance from
the person's place of residence or place of business to the place of examination is less than 150 miles.

DECLARATION IN SUPPORT OF THIRD PARTY 2004 EXAMINATION

1 (c) If a person sought to be examined does not reside or have a place of business in the county
2 where the judgment is entered, a court of similar jurisdiction in the county where the person resides
3 or has a place of business is a proper court for examination of the person. If there is no court of similar
4 jurisdiction in the county, a court of higher jurisdiction is a proper court.

5 (d) If the judgment creditor seeks an examination of a person before a court other than the court
6 in which the judgment is entered, the judgment creditor shall do all of the following: (1) File with the
7 court from which the order is sought an abstract of judgment in the form prescribed by Section 674.
8 (2) Present to the court an affidavit in support of the application for the order stating the place of residence
9 or place of business of the person sought to be examined. (3) Make any necessary affidavit or showing for
10 the examination as required by Section 708.110 or 708.120. (4) At the time of filing the abstract of
11 judgment, pay a filing fee of twelve dollars (\$12). No law library fee shall be charged.

12 Given the above, Assignee requests that the court order the issuance of an Application and
13 Order for Appearance and Examination directed to the above Third Party. A Process Server will
14 serve the form along with a copy of these Points and Authorities so that it is clear that the witness
15 is being served in the capacity of a person with knowledge of the debtor's assets and liabilities.

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17 Daryl Hansen
18 Creditor
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